834 they succumb to any favorable opportunity. The validity of this generalization is not affected by extremely rare exceptions which may be encountered and which are due either to a constitutional abnormality or to an extraordinarily firm Christian conviction. How should 834 these observations be reconciled with the statement so often heard 178 from natives that the situation was entirely different before the coming of the white men? It was not unusual to see young women not only abstaining from sexual relations but having such a "fear of men" that they drove away seducers and defended their chastity by hitting them with a stick.

When the woman did not accept the young man's proposition, she considered it a grave insult. The initiator was entitled to no indemnity "for blows and wounds." The woman replied only in violent terms, in word or act. [84] Often she went and insulted the mother of the guilty party. When the latter was told the reason for this behavior, she could only turn on her misbehaving son and usually gave him a good talking to; if he was young enough she gave him a good beating. Thus the girl had every right to defend herself.

If the provocation gave rise to no complications in family or society, the parents paid a lot less attention. But they tried to teach [814] their children discretion in these dangerous matters, though their instruction primarily took the form of a lesson after an error was committed, or sometimes apropos of an incident that had befallen someone else. Some parents were very severe. These attitudes were based on a vague sense of morality which was not deduced from philosophical reasoning or religious or superstitious ideas but which was innate and instinctive so to speak. In addition, the fear of excesses and eventual social consequences no doubt also played a considerable • [577] role. Excesses were feared above all, and an isolated occurrence was regarded more or less as a momentary weakness.

To form an accurate picture of the situation that existed in the past, we must not lose sight of the fact that, because of very early marriages, the number of young single women was necessarily limited.

The attitude toward single men was more lenient than toward 842 girls, unless their behavior had any consequences and apart from the 836 danger of their actions becoming habitual, leading inevitably to palavers.

Article I. Girls

584 According to Nkundó custom it is acceptable for an expected child, not yet born or still very young, to be promised in marriage to X or Y. This practice was formerly very common and is still quite prevalent today. It is called banda bǒna or bǒmoto, literally, "to count a child" or "to count a woman." The ikulí is paid at the time of the promise. Later the matter is carried out in the usual fashion; the other parts of the bride price are paid either while the fiancée is young or, preferably, at the time when she goes to her husband.

584 855 Until that time, if one of the girl's relatives is already a wife of a polygamist husband-to-be or of one of his relatives, the child is brought up in her husband's family from a fairly early age, depending on the circumstances. She lives with her relative. She may be barely seven or eight years old, for example. If no one in her husband's clan can take care of her, [232] she spends only one or two weeks there to become acquainted, little by little, with people and places; she repeats the visit from time to time. Her mother accompanies her, for being to young she could not get used to being there alone, without support, without her parents. Therefore it is necessary to wait till she is old enough to be somewhat independent and able to manage by herself. That time usually comes around the [195] beginning of puberty, thus sometime between the ages of twelve and fifteen.

584 853 Like an adult woman, she is already called bompíka or wĭir, depending on the portion of the bride price that has been paid. She has all the duties and privileges of a wife: sexual relations, food preparation, care of the household, etc. There is no set date or age for the beginning of cohabitation. This matter is settled between the husband and his parents-in-law. The latter do not have the right to [602] delay the time, even if their daughter is still too young, but they can make use of their great influence over their son-in-law. The modern [176] generation is not shocked by sexual relations between an adulterer [sic] 571 and a girl who has not reached puberty. Besides, all is in order from the legal standpoint; since the man has paid the bride price, he is the

Article II. Property

573x 644 [764] Through marriage, a woman does not become a member of her husband's clan. If for example she is born into the Bofétola clan, she remains all her life bosf Bofétola, "member of the Bofétola clan," and her corpse has to be buried in her native soil. In case of divorce and remarriage, the new husband does not refund the bride price to the former one; he pays the woman's parents, and they reimburse the forsaken husband.

573x 421 All the wife's activity, however, is directed toward the good of her husband and his family, and this is so from the time of the lkulf payment. Her parents have no further rights over their daughter. All the fruits of her labor are her husband's property.

If she finds objects that have no owner, such as, for example, elephant tusks or buried copper rings of which no one claims ownership, they do not belong to her nor to her family, but exclusively to her husband. If he shares with his parents-in-law, he does so out of affection and respect for them. He has no legal obligation to do so, but propriety and cordial relations impose a certain duty on him.

Profits from the sale of the products of her industry (such as foods for market, mats, salt, pots, baskets) belong not to her but to her husband.

Even whatever she acquires during a visit to her parents, everything she finds while she is with her family, the fish she catches, the caterpillars she gathers in the forest there, all that belong exclusively to her husband.

It sometimes happens that a woman infringes on the husband's rights in this respect. If he is kind he will generally let her do as she •[577] pleases. Severity on his part would be attributed to a lack of affection toward his wife or a lack of delicacy toward his parents-in-law, and he would even be criticized for being stingy (never unjust!), a more serious criticism than the others from the Nkundó point of view. [263] Dishonest conduct on the part of a wife, however, may give rise to incidents, and even to serious ones. That is what happened in the historic case of Efololo of Ikengya (Bongili), who was married to [578] Mpoki of Imema. She had gone fishing at home and had given all her fish

Nkundo
Pygmies FO4
Batwa

recourse to the assistance of a third party who -- for remuneration, of course -- undertook to carry out his project. This task was usually confided to Batswa, who did not disdain this type of work, which was quite suited to their taste.

The fact that the law gives the husband the right to punish his wife [277] for the type of oratory under discussion meant that a wife had to exercise some discretion in her choice of expressions. Fearing violent reactions, she often spoke the more serious insults softly.

Since the European penetration women are more daring. For their husbands fear European justice, which follows principles entirely different from their ancestral law. Thus they complain bitterly of the insolence of their wives: "We have become slaves; the women are now all-powerful. They may do as they please, for we can no longer do anything to them." But as soon as native courts are sufficiently educated and are freed from what an eminent colonial jurist has called "the jurisdiction of palavers" (1), they will no doubt effect

1. See A. Sohier, Bulletin des Séances de l'Institut Royal Colonial Belge, Vol. 6, 1935, 1, p. 60 and passim.

a salutary change in this situation.

The emancipation of women is one of the factors that have increased the frequency of divorce. For a man who cannot avenge continuous outrages remains dominated by shame, and the presence of the one who is the cause of it must become unbearable in the long run; whence the indifference, antipathy, hate, and the inevitable results of that permanent confusion in the household.

Men among whom the feeling of modesty was highly developed hanged themselves out of shame instead of attacking the guilty wife. That is what many natives have maintained in talking with me. Nevertheless, I have no knowledge of a present-day example. When this happened, the wife's family no longer took action against their daughter. Nor were they obliged to pay an indemnity, although their child had brought about the death. They simply had to acquit

themselves of the usual and ordinary obligations incumbent upon them on the death of a son-in-law. Should this be taken as a kind of implied condemnation of suicide? [278]

The wisdom of the elders recommends to youth that they not let anger lead them to brutal acts even where, legally, it is permissible to use force. They do not act in such a way through a policy of adaptation to the present regime. Even before the arrival of the white men, they gave lessons in calm and self-mastery. For serious blows, wounds, and especially homicide could have deplorable consequences legally and even politically (war). They preferred recourse to punishments, such as abstention from food and the refusal of debitum conjugale, which although less violent are not without efficacity. In that way they were also spared the vexation of in-laws, whose pity would be aroused by the wounds and bodily suffering of their child or sister.

One thing that deserves blows or a good whipping because it is considered a serious failure in the fulfillment of the duties of married life is indifference and negligence in housework. A husband may safely deal forcefully with the situation, although he must first inform the qualified authorities. The following are some examples of such faults: the wife does not give the necessary attention to the kitchen, her children, the cleaning of the hut and court; she neglects her crops, does not go fishing, makes no attempt to obtain salt, etc.; in short, she does not give the required time and care to the tasks incumbent upon her. She herself, her children, and her house remain disgustingly filthy, her fields and banana groves are invaded by weeds and her pantry is devoid of utensils and food, while she wastes her time doing nothing or rather spends it running about the village, going to one woman's house, chatting with another, spending the better part of her day gossiping. The Nkundó does not put up with this sort of behavior, and no one can reproach him. Even other men and the woman's companions condemn [278] such conduct. Often the woman is ridiculed, and on occasion she may hear unflattering comments such as lótoo lo wuúlí, elúlé gólígwaka, "a gossip, her cloth is to the side," that is, the interminable chatting

If a woman injures her husband during a quarrel he may not retaliate, for she is recognized as inferior and weaker than he. The husband's weapon is abstention from any food, drink, baths, etc., that she offers him. To re-establish peace she must pay a bolimbo. Nevertheless, nowadays some impetuous men no longer like to observe these rules; they want to act with violence come what may. But they are strongly reprimanded by the old men, who maintain that it is unworthy of a man to retaliate against a weaker being. This traditional attitude of the Nkundó seems to me to indicate a sort of chivalrous nobility based on two feelings, justice and pride. It becomes more understandable when we know that similar conduct is expected with regard to Botswa, inferiors, and subjugated clans (bacîf, sing. jolf) in their respective spheres. (1) Thus a Bonto may

1. See below, Articles V, VI, and VII.
4. B.

not apply the law of retaliation to a Botswa. Under certain circumstances, a jolf clan may, with impunity, take what they please from the banana groves of the master's clan, etc.

Note also that it is very much out of place for a man [202] to strike his wife or punish her in any way in the presence of her parents, brothers, etc. In fact, this is a very grave offense. And, according to the code of honor, the brother (cousin, etc.) must pick up the glove and fight his brother-in-law to avenge the insult. In many cases the matter ends in a divorce. For such conduct takes away the combined feeling of modesty and embarrassment (nsôsy) that the two parties normally feel toward one another.

Finally, we must note that the various payments made as bolimbo are included in the total amount of *dowry* or *elopement*, respectively.

In order to more clearly illustrate the Nkundó attitude concerning the relationship of husband and wife, it might be of interest to cite a few proverbs pertaining to the subjects discussed above.

1) Bonkyâ bolimbola wôlâ'ô nsako: Lomîkpîsî ofûtola ilwâ la ngenda. "All the others slap their wives (her) Lolîkpîsî beats (hold) with a stick." (This is a reference to a historical fact.)

circumstances, the dark of evening provides strong provocation. A noisy crowd of young people is often deliberately aroused for the purpose of hiding such frolics. Women especially are the ones to start the scene (called iole). They begin with "games," pinching, etc. Sometimes those who are bolder cry out, iole oi by way of a signal. These irregularities are sometimes agreed upon in advance; other times they are provoked without any advance agreement. The husbands intervene, but it is very difficult for them to catch the culprits.

4) It would seem that according to Nkundó notions, adultery is not a moral fault, even in the broadest sense of the term, and not punishable by a nonearthly power of religion or superstition, which would intervene to re-establish the order that has been disrupted. Rather one has the impression that their law pertaining to it is purely social. Not that I want to say that this law and its sanctions do not, in the last analysis, spring from a moral idea; but if this moral idea exists, it is very vague and confused and is not expressed by our people. In practice all attention is focused on the sanctions because of the injury to property rights. There never seems to be the slightest reference to a moral religious idea. [330]

And this is probably the chief reason for the frequency of adultery in spite of the sanctions, for while these undoubtedly reduce the evil they are powerless to stop it. But this statement does not apply exclusively to our people. Every law is an ideal. Sanctions attempt to ensure that it is observed. But the mames never attain the intended goal. When some individuals are superior to the ideal imposed by law, it is because society falls short in performing its task, as is the case in Europe today. Among the Nkundó, law and society are superior to the morality of individuals. Besides, sanctions though necessary have never sufficed to assure perfect obedience of laws: nihil leges sine moribus. Good morals must come from considerations that are superior to particular laws and the basis for them.

Although, as we have seen, the Nkundó do not connect the subject at hand in any way with their religious understanding, how can we explain the praiseworthy conduct of many individuals? In my opinion although the Nkundó are not aware of the relationship between the law and its ultimate legislator, they are not without a certain vague, innate feeling that adultery is immoral, and this is corroborated by

337 their sense of the personal injustice involved. But they do not reason
577 out these feelings; they follow them spontaneously, blindly.

There is a greater awareness of the social evil in adultery. But it is based not on the philosophical considerations of this harm in itself, but on the consequences of individual cases for the proper functioning of society -- palavers, financial difficulties, enmities, quarrels, wars.

This it seems to me is the present state of their ideas. It does not preclude the possibility that the law and sanctions against adultery may rest on an ultimate basis of moral ideas. And more particularly it is quite possible that the moral idea [331] operates only in the form of a feeling of the great principles of fundamental natural law which is innate to all human reason.

337 5) No one will be astonished if we say that colonization, far
177 from reducing the frequency of adultery, actually contributed to its considerable increase. The abolition of native penalties and punishments together with a great freedom of movement could not help but lead, naturally, to this state of affairs. Every informed colonial who is in close contact with the natives is aware of the situation. "The prohibition of corporal punishments which, according to custom, were the sanctions imposed against a woman's adultery have brought about a license whose extent can be measured by the degree to which a group is subject to our occupation. The forgetfulness if not the contempt for the promises of marriage is nowhere carried so far as in places where the customary disciplines have been completely removed." [183] (Maj. Engels, Bulletin Soc. Belge, Et. Col., cited in Congo, 3rd year, Vol. 1, p. 77, April, 1922). That is why various persons have repeatedly called for sanctions against adultery to replace the ancestral means of repression that have been abolished.

But the decrees hoped for have never passed beyond the stage
692 of mere projects. Fortunately, another step, and a fundamental one,
177 has been taken in the meantime through the establishment of native
931 jurisdiction (1926). Under the guidance and control of European authorities, native courts will turn the helm halfway back to the ancient sanctions, adapting these all the while to the new conditions created by colonization and by the introduction of more humanitarian

simply said that she has left her husband (*nkɔ́ndɔ*) and has been taken in marriage by X (*nkɔ́kómbwa éka lóngɔ́lí*). Having fallen in love with another man's wife [390] and desiring to marry her, a man tries to win her favor. If she consents he collects the valuables necessary for the bride price. He then asks the woman to come to him and pays the bride price as for any marriage.

Instead of going directly to her seducer, the woman may also first go to her parents, especially if they are in favor of her plan. If they are not she would not succeed, because they would prevent her from carrying it out.

Cases of *njangí* were formerly rare because they were risky. As a matter of fact, they constituted a *casus belli*. Anyone who undertook such a venture had to be in a position to take the consequences of his act, especially with respect to the payment of an indemnity. Nowadays, on the other hand, these occurrences are much more frequent, even when the new husband does not have the means to pay the bride price at once. Nevertheless, the reversal in government policy is beginning to produce good results. The woman, or her mother, is often imprisoned; rarely the seducer. This penalty is often sufficient to restore order. But to keep from being exposed to further difficulties caused by the woman who no longer loves him, the abandoned husband sometimes refuses to take back his unfaithful wife.

The rarity of cases in former times as well as the fact that they constituted a legitimate reason for war shows that the *njangí* did not have the approval of Nkundó law but that it was more or less considered an infraction.

2) Taking refuge. Because of the change in circumstances, the practice of taking refuge is no longer common today. It used to be done as follows: A woman who absolutely wanted to leave her husband and had no means of doing so, since no man had asked for her in marriage and her parents were powerless to help her, went secretly to a rich and influential man whom she would have liked as a husband. She arrived unexpectedly, stood before him, or even threw herself at him, crying, [391] *Bɔ́jwɔ́ bɔ́ɔ́! ɔ́ɔ́jɔ́ngɔ́!*

K^ [illegible] (1) "Your deceased parents! Pay the bride price for me,
577

1. Or analogous terms.

do not chase me away!" In such circumstances, the insult of invoking a man's deceased parents is like an ultimatum; it imposes an obligation which the person thus addressed cannot escape. (2)

2. See Chapter VI, Article V, 4, Appendix.

Therefore the man in question could not send the woman away; he had to take her under his protection. He called his kin group and explained the situation to them. If his close relatives agreed -- and it was their duty and honor to -- they instructed him to pay the bride price for her. But the abandoned husband intervened to prevent this transaction. Either he declared war, or he begged his rival to return his wife to him. If he took the first course, the two adversaries paid indemnities for the warriors fallen in battle on their respective sides after the hostilities were terminated; then when peace was concluded, the matter was settled all the same, and the woman succeeded in her purpose. If the husband took the second alternative, and the man who received the fugitive was disposed to yield to his request, the latter would ask the husband for a payment (nyonga) that would free him from the obligation imposed on him by the wife's "oath." This payment was a sort of indemnification for the insult and for the blemish on his honor. Therefore the amount was fairly high: 20 to 25 copper rings, equaling the price of a slave.

[193]

The woman was surrendered either because the man to whom she had addressed herself did not love her, or because he and his family did not want to get involved in any disputes.

For the husband, war was a bad expedient; he would necessarily lose. The correct and ideal procedure was to try and have his wife returned to him. This fact is an indication that recourse to arms was an infraction of the law rather than a legitimate means. [192]

It could also happen that the man kept the woman but did not immediately pay the bride price. This occurred either if a

continuous state of enmity existed between his clan and the husband's, or if the husband owed him a substantial debt, one that clearly equaled the woman's bride price. In the first case a new war followed almost inevitably. Later on the woman's family contacted the new son-in-law. The gifts they brought were considered the dowry, and he began to pay the bride price. But there was no question of reimbursing the bride price to the first husband; relations between him and the woman's clan were completely broken. The difference between this situation and the standard procedure described above lies precisely in the fact that there is no restitution. In the case of a debt there was no restitution either. The woman's flight constituted a compensation (lowéla) and was therefore so designated (M. ákenda ndá lowéla). If the husband lodged a complaint, the judges sent him a piece of bofofó (1) to let him know that they did

1. The bofofó is a piece of dried banana leaf which has been rolled up and tied with two knots (or more, as the case required). To indicate the end of a palaver, the bofofó is cut in two (or more) pieces, with a knot in each piece. One piece is sent to each interested party.

not want to concern themselves with his case, which he himself knew to have very poor grounds. Even the members of his own clan prevented him from making war; they knew perfectly well that the wrong was entirely on their relative's side.

The practice of taking refuge that we have just described was simply known as bejwó, bómoto ábwoó bejwó, because that word was the principal one in the ultimatum.

As we have said above, the custom here described disappeared with colonization. Even though the scope of this study does not extend to the Nkundó who are settled north of the Tshuapa, it [301] may be of interest to note that an evolution of this custom is taking shape in the Lomaganya region. If a woman is condemned for leaving the conjugal household and imprisoned, she asks someone to marry her -- if the opportunity presents itself. If the man accepts

her proposal, he collects the bride price and produces it before the chief. With the consent of this authority, he pays it to the woman's parents, who make restitution to the husband. (1)

1. See also Chapter III, Article VI.

3) War. The last of the special ways in which a marriage may be broken is the following: If a woman were captured in a war and not freed, thus becoming a slave, by that very fact her marriage was broken. Under the circumstances it could not have been otherwise, since each group was concerned only with its own interests. As we have seen in the preceding chapter, the slave was incorporated into the harem of one of the members of the clan who took her prisoner, or she was sold to some man for this purpose. If her real husband did not have the means to free her -- and we are speaking under that assumption, for if he did the union would not be dissolved -- he was unable to oppose what was done. Nevertheless, he was entitled to indemnification by the member of the clan who was responsible for the war, and he could use force to support his claim. If the woman were freed by her family, and her owner then paid them a bride price in order to contract a regular marriage, the former husband had a right to a return of the bride price paid by him. (See Chapter VII, Article V).

In concluding this account, we should note that a woman who has left her husband to go to another man may return to the first one [104] after a fairly long time has elapsed. There may be two reasons for such a return.

Either the woman does not find what she was looking for with her new husband and finds her hopes deceived, or in comparing her present situation with the life she had previously led she regrets her action. Knowing the love her former husband always bore her, she risks returning to him, and usually she is not rejected.

Or the new husband finds that after having paid part of the bride price he is unable to fulfill the rest of his obligation. Since a woman does not wish to be a wife without bride price -- outside of modern exceptions -- she turns back.

32 The native smith works not only with iron but also with copper which he melts down in the same manner from copper sticks (longele: mitako) and old, worn copper rings.

[434 435] The copper sticks, that nowadays sell at 30 for a franc, come from Europe: copper ore is unknown here.

The copper objects made by the smith are as follows.

32 30 Bakonga: all that is of copper

1. Bongombwa: necklace, often weighing ten kilograms or more; value, 1,000 mitako.
2. Lokolo: leg ring, weighing four to six kilograms and more; value, 200 to 500 mitako.
3. Bolongo: arm ring, not heavy.
4. Ingwete: arm ring, not heavy.
5. Bongemo: leg ring that rattles when the wearer walks.
6. Bosenkere: leg ring.
7. Limpala: great leg rings in spiral form, twisted out of thick copper wire, which cover the whole of the lower leg. They [435] bear much resemblance to the springs in a mattress. Among the Negroes these have a value of 500 mitako.
8. Bompolenge: resembling a small limpala, these were formerly worn on the arms by old people, but they are now out of fashion and no longer made.

32 In the whole district there is only one smith, a certain Elombe in 557 the village Lilangi (Bessimomo), who knows how to make copper bells. This Black is a celebrity to every Mongo Negro.

According to the Negroes, there is a smith, a certain Bokendzu from the vicinity of the Ikelemba River, who knew how to put a new rifle together from the parts of old broken ones and did so successfully. According to the Negroes, the government agent, however, took the rifle away from him, but in my opinion, and in that of others, this black [577] rifle manufacturer belongs in the realm of fable, the more so as a Negro is not at all afraid of a lie.